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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,517	10/17/2003	Sei-won Hong	P2043US	2124
8968 7590 07/14/2008 DRINKER BIDDLE & REATH LLP ATTN: PATENT DOCKET DEPT. 191 N. WACKER DRIVE, SUITE 3700 CHICAGO, IL 60606				
EXAMINER				
KIM, CHONG R				
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2624				
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07/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/688,517

**Applicant(s)**

HONG, SEI-WON

**Examiner**

CHARLES KIM

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-18, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2008 has been entered.

### ***Response to Amendment and Arguments***

2. Applicant's amendment filed on May 12, 2008 has been entered and made of record.

3. Applicant's arguments with respect to claims 9 and 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 25-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 25, the specification as originally filed is silent with respect to first, second, third and fourth buttons, as recited in claim 25. Fig. 11 depicts three buttons 610, 620, and 630. Button 610 moves the filter window, button 620 performs the functions of blurring, and button 630 performs the functions of the filter window forming unit, the region copying unit, and the color information substituting unit (Specification, p. 11). The Examiner was unable to find an instance in the specification that provides support for the four buttons performing the four respective functions recited in claim 25. If the Applicant disagrees, the Applicant is requested to point out the exact location in the specification that provides support for this feature.

Referring to claim 26, the specification as originally filed is silent with respect to a copying unit being in communication with a selection button integral with the second button, as recited in claim 26. The Examiner was unable to find an instance in the specification that provides support for this feature. If the Applicant disagrees, the Applicant is requested to point out the exact location in the specification that provides support for this feature.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Carau et al., U.S. Patent Application Publication No. 2003/0210335 (hereinafter Carau) and Safai et al., U.S. Patent No. 6,167,469 (hereinafter Safai).

Referring to claim 9, Carau discloses an apparatus (100) for retouching a photographed image using a digital camera [fig. 1], comprising:

a region recognition unit (161) for recognizing an image region (420) which is to be retouched in the photographed image and outputting the recognized image region [pars. 40-43 and fig. 4], the region recognition unit including a first button located on the digital camera, the first button operable to initiate a window moving function for defining a recognized image region (420) which is to be retouched [pars. 25, and 40-43. Note that the user interface 164 may include one or more buttons that allow the user to input commands. Carau explains that the user can use the interface 164 to select a desired region in the image by moving window 420.]; and

a region retouch unit (161) for retouching (editing) the recognized image region input from the region recognition unit, and outputting the retouched result [pars. 43-46. Note that a user may retouch the image by performing cropping or red-eye correction operations. Here, the user-selected region 420 is cropped out from the original image.],

the region retouch unit including a second button located on the digital camera operable to initiate only a retouching function of the recognized image region [par. 25. As explained above, the user interface 164 may include one or more buttons that allow the user to input commands. Carau explains that the user can initiate retouching functions such as selecting a desired region in the image and cropping the desired region (par. 41-43), or performing red-eye correction processing (pars. 45-46). Accordingly, the Examiner construes the user interface 164

to have at least first and second buttons that allow the user to input commands to perform these functions.].

Carau discloses that the camera has multiple buttons [par. 25], but does not specify the exact number and location of the buttons. For example, Carau does not disclose that the second button is located adjacent to the first button.

The Examiner notes that the exact configuration of the buttons on the digital camera is not considered a patentably distinctive feature. Applicant has not disclosed that the specific arrangement of the buttons provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a first button adjacent to the second button or the first button and second button located anywhere else on the camera because both configurations perform the same functions—allows a user to select a desired region, perform cropping, or perform red-eye correction. Therefore, it would have been obvious for one of ordinary skill in the art to modify Carau so that the first button and second button are adjacent to each other.

The Examiner nonetheless notes that a digital camera having multiple buttons adjacent to one another was exceedingly well known in the art. For example, Safai discloses a digital camera with buttons in such a configuration [see fig. 1.].

Carau and Safai are combinable because they are both concerned with performing image retouching operations using a digital camera. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Carau's buttons so they are located adjacent to each other, as taught by Safai. The reason for doing so would have been to enhance the user friendliness of the camera by having all the buttons close to one another. Therefore, it

would have been obvious to combine Carau with Safai to obtain the invention as specified in claim 9.

6. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Carau, Safai, and Cok, U.S. Patent No. 5,555,194 (hereinafter Cok).

Referring to claim 10, Carau explains that the region retouch unit performs editing operations such as cropping and red-eye correction processing. But neither Carau nor Safai explicitly disclose that the region retouch unit performs blurring of the recognized image region.

The Examiner notes that blurring was an exceedingly well known type of editing operation performed on digitally captured images. For example, Cok discloses editing operations comprising blurring of a recognized image region [col. 2, ll. 23-30]. The Examiner notes that the combination of Carau and Cok would have resulted in the camera of Carau having the blurring capability of Cok. Because Carau discloses buttons that allow a user to input commands [par. 25], the combination would have further resulted in a (third) button on Carau's camera that was operable to initiate the blurring operation of Cok.

Carau, Safai, and Cok are combinable because they are all concerned with performing editing operations on a digital image. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the region retouch unit of Carau and Safai so that it is capable of blurring the recognized image region, as taught by Cok. The reason for doing so would have been to enhance the captured images by performing on-camera editing of the captured images [see Carau, par. 6 and Cok, col. 1, ll. 13-21]. Therefore, it would have been obvious to combine Carau and Safai with Cok to obtain the invention as specified in claim 10.

Referring to claim 11, Cok further discloses:

a filter window forming unit for forming a first filter window having the same size as the recognized image region and outputting the formed first filter window (col. 1, ll. 21 - 67); a filter window moving unit for moving the first filter window input from the filter window forming unit on a screen of the digital camera and outputting the moved result (col. 1, ll. 21 - 67); a region copying unit for copying the image region on which the first filter window is disposed in response to receiving of the moved result of the first filter window, and outputting the copied image region (col. 1, ll. 21 - 67); and a color information substituting unit for substituting the color information of the recognized image region with that of the copied image region in response to receiving of the moved result of the first filter window including the copied image region from the filter window moving unit, and outputting the substituted image region (col. 1, ll. 21 - 67).

Referring to claim 12, Cok further discloses that the filter window forming unit forms windows having several selective sizes (Cok, col. 1, lines 49 – 55).

Referring to claim 13, Cok further discloses: a peripheral region recognizing unit for recognizing a peripheral image region including the substituted image region in response to receiving of the substituted image region from the color information substituting unit, and outputting the recognized peripheral image region (Cok, col. 2, lines 22 – 30: Cok needs to identify the boundary region in order to blur it.); and a peripheral region blurring unit for blurring the recognized peripheral image region input from the peripheral region recognizing unit, and outputting the blurred peripheral image region (Cok, col. 2, lines 22 – 30).



Referring to claim 14, Cok further discloses a region expanding unit for expanding the recognized image region input from the region recognition unit and outputting the expanded image region, wherein the region retouch unit retouches the expanded image region input from the region expanding unit and outputs the retouched image region (Cok, col. 2, lines 22 – 30: By identifying the boundary region of retouch area Cok is finding an expanded image area.).

Referring to claim 15, Cok further discloses that the region retouch unit comprises: a detailed retouch region recognizing unit for recognizing the detailed retouch region in the expanded image region and outputting the recognized detailed retouch region (Cok, col. 1, lines 49 – 55: Cok identifies the area to be retouched); and a detailed retouch region blurring unit for blurring the detailed retouch region input from the detailed retouch region recognizing unit and outputting the blurred detailed retouch region (Cok, col. 2, lines 22 – 30).

Referring to claims 16-18, claims 16-18 are rejected for the same reasons as claims 11-13. The arguments analogous to those presented above for claims 11-13 are applicable to claims 16-18.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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